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UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF NEVADA

In re

GUMP's HOLDINGS, LLC et al.

Debtors

Case No.: BK-S-18-14683-LEB
Chapter 11

Jointly Administered with:

No.: BK-S-14684 (In re Gum's Corp.)
No.: BK-S-14685 (In re Gump's By Mail, Inc.)

Hearing Date: OST Pending
Hearing Time: OST Pending

- | | |
|-------------------------------------|------------------------------|
| <input type="checkbox"/> | Affects this Debtor |
| <input type="checkbox"/> | Affects all Debtors |
| <input type="checkbox"/> | Affects Gump's Corp. |
| <input checked="" type="checkbox"/> | Affects Gump's By Mail, Inc. |

**EX PARTE APPLICATION FOR ORDER SHORTENING TIME TO HEAR MOTION
BY EXPEDITORS INTERNATIONAL OF WASHINGTON, INC. FOR ADEQUATE
PROTECTION AND FOR RELIEF FROM THE AUTOMATIC STAY**

COMES NOW, Creditor Expeditors International of Washington, Inc., by and through their counsel of record, Cohen Johnson Parker Edwards, and hereby submits this *ex parte* application (the "Application") seeking entry of an order shortening time, substantially in form attached hereto as **Exhibit 1**, to hear the Motion by Expeditors International of Washington, Inc. for Adequate Protection and For Relief from the Automatic Stay on an Order Shortening Time (the "Expeditors

1 Motion”). The moving creditor requests that this matter be heard on an order shortening time at
2 the court’s earliest convenience.

3 This Application for order shortening time to hear the Expeditors Motion is made and based
4 upon Bankruptcy Rule 9006, the following Memorandum of Points and Authorities, the
5 declaration of H. Stan Johnson set forth below, the Attorney Information Sheet filed
6 contemporaneously herewith, and the papers and pleading on file herein, judicial notice of which
7 is respectfully requested.
8

9
10 **DECLARATION OF H. STAN JOHNSON, ESQ.**

11 I, H. STAN JOHNSON, being first duly sworn, hereby state under the penalty of perjury
12 under the laws of the State of Nevada and the United States of America, as follows:

13 1. I am over the age of 18 and am mentally competent and licensed to practice law in
14 the State of Nevada.

15 2. I am an attorney with the law firm of Cohen Johnson Parker Edwards, counsel for
16 Expeditors International of Washington, Inc., and therefore have personal knowledge of the facts
17 set forth in this Declaration unless I state that such knowledge is upon information and belief and
18 I am informed of those facts and believe them to be true. If called upon to testify as to the
19 matters herein, I could and would do so.
20

21 3. Expeditors International of Washington, Inc., for itself and its subsidiaries and
22 affiliates (collectively, “Expeditors”), is a secured creditor of debtor-in-possession Gump’s by
23 Mail, Inc. Expeditors holds possessory liens on goods (the “Petition Date Cargo”) having a
24 commercial invoice value of approximately \$174,000.00.
25

26 4. On information and belief, the value of Expeditors’ interests in the Petition Date
27 Cargo are declining, because secured charges continue to accrue on the Petition Date Cargo for
28

demurrage, detention, storage, and other delay-related costs. Therefore, it is essential that the Court consider the relief requested by Expeditors quickly to mitigate potential loss and expense to Expeditors.

5. Thus, good cause exists to hear the Motion on shortened time and the movant requests that the Court set the hearing on the Motion as soon as is convenient for the Court.

Dated this 6th day of September 2018.

By: /s/ H. Stan Johnson

H. STAN JOHNSON, ESQ.

II. **LEGAL ARGUMENT**

Section 105 allows this Court to issue such orders as are necessary to carry out the provisions of this title. See 11 U.S.C. § 105. Bankruptcy Rule 9006(c)(1) generally permits a bankruptcy court, for cause shown and in its discretion, to reduce the period during which any notice is given in accordance with the Bankruptcy Rules. In particular, Bankruptcy Rule 9006(c)(1) provides as follows:

[e]xcept as provided in paragraph (2) of this subdivision, when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.

FED. R. BANKR. P. 9006(c)(1).

Local Rule 9006 provides further authority for shortening the time for a hearing. According to Local Rule 9006(b), every motion for an order shortening time must be accompanied by an affidavit stating the reasons for an expedited hearing. As set forth in the H. Stan Johnson Declaration, there are compelling reasons for an expedited hearing on the

1 Expeditors Motion. As such, good cause exists to hear the Expeditors Motion on shortened time
2 at the Court's Earliest Convenience.

3 Local Rule 9006 also requires the moving party to submit an Attorney Information Sheet
4 indicating whether opposing counsel was provided with notice, whether opposing counsel
5 consented to the hearing on an order shortening time, the date counsel was provided with notice,
6 and how notice was provided or attempted to be provided. An Attorney Information Sheet was
7 filed contemporaneously with this Application.
8

9 **III.**
10 **CONCLUSION**

11 WHEREFORE, Expeditors respectfully request that the Court grant this Ex Parte
12 Application and issue an order shortening time to hear the Expeditors Motion at the Court's
13 earliest convenience. Debtors request such other and further relief as the Court deems just and
14 proper.

15 DATED this 6th day of September 2018.
16

17 COHEN JOHNSON PARKER EDWARDS

18 By: /s/ H. Stan Johnson

19 H. STAN JOHNSON, ESQ.

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